

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **JAMES L. UNGER, M.D.**

4 Holder of License No. 38118
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

Case No. MD-10-1530A

**ORDER FOR LETTER OF REPRIMAND
AND CONSENT TO THE SAME**

7 James L. Unger, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Order for Letter of Reprimand; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 38118 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-10-1530A after receiving notification
17 that on December 20, 2010, the Nevada Medical Board issued Respondent a Letter of
18 Reprimand, required that he obtain CME and assessed him a fine as well as
19 reimbursement of investigative costs.

20 4. In June 2010, the Nevada Medical Board filed a complaint against
21 Respondent alleging that he engaged in malpractice and failed to use reasonable care,
22 skill or knowledge ordinarily used under the same or similar circumstances. Specifically,
23 Respondent failed to correlate the name on a pathology slide with the name to which the
24 diagnosis was assigned as indicated by the paperwork, resulting in unnecessary surgery
25 for a patient.

5. In response, Respondent stated that in November 2008, he had received slides and paperwork of a cervical biopsy. He explained that the paperwork was switched in his lab with another cervical biopsy, and as a result, the patient eventually underwent unnecessary surgery.

6. In December 2010, the Nevada Medical Board issued Respondent a Letter of Reprimand and required Respondent to obtain six CME credits in the areas of risk management and medical error prevention. The Nevada Board also assessed a fine in the amount of \$3000 and required Respondent to reimburse investigative costs in the amount of \$2,079.

7. Respondent completed the CME and paid the fines and costs by February 18, 2011.

CONCLUSIONS OF LAW

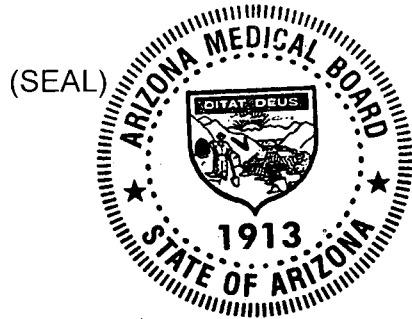
1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(o)("[a]ction that is taken against a doctor of medicine by another licensing or regulatory jurisdiction due to that doctor's mental or physical inability to engage safely in the practice of medicine or the doctor's medical incompetence or for unprofessional conduct as defined by that jurisdiction and that corresponds directly or indirectly to an act of unprofessional conduct prescribed by this paragraph. The action taken may include refusing, denying, revoking or suspending a license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on probation by that jurisdiction..").

1 ORDER

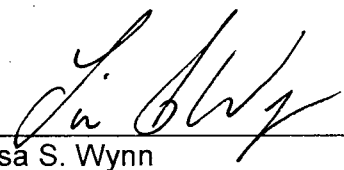
2 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

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4 DATED AND EFFECTIVE this 11th day of AUGUST, 2011.



ARIZONA MEDICAL BOARD

8
9 By


Lisa S. Wynn
Executive Director

10 CONSENT TO ENTRY OF ORDER

11 1. Respondent has read and understands this Consent Agreement and the
12 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
13 acknowledges he has the right to consult with legal counsel regarding this matter.

14 2. Respondent acknowledges and agrees that this Order is entered into freely
15 and voluntarily and that no promise was made or coercion used to induce such entry.

16 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
17 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
18 this Order in its entirety as issued by the Board, and waives any other cause of action
19 related thereto or arising from said Order.

20 4. The Order is not effective until approved by the Board and signed by its
21 Executive Director.

22 5. All admissions made by Respondent are solely for final disposition of this
23 matter and any subsequent related administrative proceedings or civil litigation involving
24 the Board and Respondent. Therefore, said admissions by Respondent are not intended
25 or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
2 any other state or federal court.

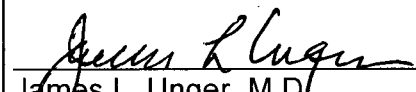
3 6. Upon signing this agreement, and returning this document (or a copy thereof)
4 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
5 the Order. Respondent may not make any modifications to the document. Any
6 modifications to this original document are ineffective and void unless mutually approved
7 by the parties.

8 7. This Order is a public record that will be publicly disseminated as a formal
9 disciplinary action of the Board and will be reported to the National Practitioner's Data
10 Bank and on the Board's web site as a disciplinary action.

11 8. If any part of the Order is later declared void or otherwise unenforceable, the
12 remainder of the Order in its entirety shall remain in force and effect.

13 9. If the Board does not adopt this Order, Respondent will not assert as a
14 defense that the Board's consideration of the Order constitutes bias, prejudice,
15 prejudgment or other similar defense.

16 10. Any violation of this Order constitutes unprofessional conduct and may result
17 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
18 consent agreement or stipulation issued or entered into by the board or its executive
19 director under this chapter") and 32-1451.

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21 
22 James L. Unger, M.D.

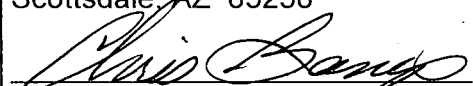
DATED: 7/17/2011

23 EXECUTED COPY of the foregoing mailed
24 this 17th day of August, 2011 to:
25

1 James L. Unger, M.D.
2 Address of Record

3 ORIGINAL of the foregoing filed
4 this 17th day of August, 2011 with:

5 Arizona Medical Board
6 9545 E. Doubletree Ranch Road
7 Scottsdale, AZ 85258

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9 Arizona Medical Board Staff
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